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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft Council Decision extending the term of office of a Deputy Executive Director of Europol  
– Adoption

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1. Article 54 paragraphs 3 to 5 of the Europol Regulation 2016/794<sup>1</sup> read as follows:

'3. *The term of office of the Executive Director shall be four years. By the end of that period, the Commission, in association with the Management Board, shall undertake an assessment taking into account:*

*(a) an evaluation of the Executive Director's performance, and*

*(b) Europol's future tasks and challenges.*

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<sup>1</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

4. *The Council, acting on a proposal from the Management Board that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once and for no more than four years.*
5. *The Management Board shall inform the European Parliament if it intends to propose to the Council that the Executive Director's term of office be extended. Within the month before any such extension, the Executive Director may be invited to appear before the competent committee of the European Parliament.'*

2. Article 55 of the Europol Regulation 2016/794 reads as follows:

- '1. *Three Deputy Executive Directors shall assist the Executive Director. The Executive Director shall define their tasks.*
2. *Article 54 shall apply to the Deputy Executive Directors. The Executive Director shall be consulted prior to their appointment, any extension of their term of office or their removal from office. '*

3. The rules for the selection, extension of the term of office and removal from office of the Executive Director and Deputy Executive Directors of Europol are set out in a decision of the Management Board of 1 May 2017. Article 11 of this Decision describes the procedure for the extension of the term of office and paragraphs 2 to 4 read as follows:

- '2. *At the latest twelve months before the end of the first term of office of the Executive Director or Deputy Executive Director, the Management Board may decide to derogate from the procedure established in Chapter 2.*
3. *In such cases, the Management Board shall draw up a proposal advising the Council to extend the term of office in accordance with Articles 54(4) or 55(2), respectively, of the Europol Regulation.*

*This proposal shall be supported by an assessment undertaken by the Commission, in association with the Management Board, taking into account:*

*(a) an evaluation of the performance of the Executive Director or Deputy Executive Director, and*

*(b) Europol's future tasks and challenges.*

*The proposal of the Management Board concerning a Deputy Executive Director shall be drawn up after having consulted the Executive Director.*

4. *The Management Board shall inform the European Parliament if it intends to propose to the Council that the term of office of the Executive Director or of the Deputy Executive Director be extended.'*

4. Mr Jürgen EBNER was appointed as Deputy Executive Director of Europol by Council Decision of 24 October 2019<sup>2</sup> for a four-year period from 1 November 2019 to 31 October 2023.

5. On 14 October 2022, Europol sent a proposal of the Management Board on the extension of the term of office of a Deputy Executive Director, as contained in 5366/23, to the Council.

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<sup>2</sup> Council Decision of 24 October 2019 on the appointment of a Deputy Executive Director of Europol (OJ C 370, 31.10.2019, p. 4).

6. The Management Board of Europol informed the European Parliament about its intention to propose to the Council that Mr EBNER's term of office be extended. By letter of 24 January 2023, the European Parliament informed the Council that it didn't intend to invite Mr EBNER to appear before its competent committee pursuant to Article 54(5) of Regulation (EU) 2016/794.
7. On that basis, the draft Council Decision extending the term of office of the Deputy Executive Director of Europol Mr Jürgen EBNER was prepared, as set out in 5367/23. Following legal-linguistic revision, the finalized text of the draft Council Decision is set out in 5371/23.
8. *In the light of the proposal of the Management Board of Europol to extend the term of office of Mr EBNER and its invitation to consider the reclassification of Mr EBNER's grade to AD 15, the Permanent Representatives Committee is requested to invite the Council to*
- *adopt the Council Decision extending the term of office of a Deputy Executive Director of Europol, as set out in 5371/23, as an 'A' item at a forthcoming meeting;*
  - *order the publication of the Council Decision in the Official Journal of the European Union.*